

MILTON ABBOT GROUPED PARISH COUNCIL

(Parishes of Milton Abbot (MA), Chillaton (C), Dunterton (D) and Bradstone (B))

V.06/3

To all Members of the Council

You are hereby summoned to attend the Annual General Meeting of the Parish Council to be held at **7.30pm on Thursday 14th May 2015** at **Marystowe Church Hall** for the purpose of transacting the business set out below. The AGM will be followed by a regular meeting of the Milton Abbot Grouped Parish Council, for which there is a separate agenda.

Howard Asbridge
Acting Clerk to the Council

7th May 2015

ANNUAL GENERAL MEETING

AGENDA

- 1. Apologies for Absence**
- 2. Confirmation of Minutes – AGM 8th May 2014 [previously circulated]**
- 3. Chair's Report**

Once the Chair has reported, the Chair will stand down.

4. Election of Chair

The Clerk to invite nominations for the office of Chair.

5. Election of Vice Chair

The Clerk to invite nominations for office of Vice Chair.

6. Parish Council Vacancies

After the uncontested election of parish councillors on 7th May, there are two vacancies on the Parish Council; one for Milton Abbot and the other for Dunterton. Although there is no time limit, if the Parish Council does not fill those vacancies by co-option within 35 days of 7th May, in theory, West Devon Borough Council [WDBC] may do so.

WDBC's advice note on this matter states *No further notice requires to be given of the vacancies but NALC "recommends that a local council should employ a fair and transparent process to assess the suitability of a proposed candidate who wishes to be co-opted". It would be considered good practice for parish councils to advertise for expressions of interest in being co-opted; the decision-making process should be open and reasonable.*

Whether as a result of filling vacancies arising through insufficient candidates at the outset or a casual vacancy or in mid-term, co-option may be seen as an appointment rather than an election. However, the qualifications and disqualifications that apply to the candidates for election to the Parish Council also apply in the case of co-option.

The Council may wish to consider placing advertisements on parish notice boards and on the Chillaton website, with a time limit that allows for the consideration of any candidates at its next meeting.

7. Appointment of Clerk as Responsible Finance Officer

Financial Regulation 1.7 and Standing Order 15 state that the Clerk will be the Responsible Finance Officer [RFO]; a statutory officer appointed by the Council. We have previously made this appointment annually, but as the Clerk is the Council's only officer and this appointment does not have to be renewed each year, **the Council is requested to consider** appointing the Clerk as RFO, until further notice.

8. Changes to audit arrangements

The Local Audit and Accountability Act 2014 is based on the general principle that all local public bodies, regardless of size, must account for all the money they receive and spend, wherever it comes from.

Changes in the requirements for an external auditor are being made from 2017 and interim arrangements take effect from the 2015/16 financial year. The current external audit arrangements will end and there is likely to be an 'Appointing Body' that will oversee the provision of external auditors.

There is also a new Transparency Code for smaller authorities which requires the following information, relating to the authority and the previous financial year, to be published annually by no later than 1 July:

- all items of expenditure above £100.
- end of year accounts, annual governance statement, and internal audit report (as contained in the annual return). The end of year accounts should be accompanied by:
 - a copy of the bank reconciliation for the relevant financial year;
 - an explanation of any significant variances (e.g. more than 10-15%, in line with proper practices) in the statement of accounts for the relevant year and previous year.
 - an explanation of any differences between 'balances carried forward' and 'total cash and short term investments', if applicable.
- a list of councillor or member responsibilities.
- details of public land and building assets.

The Code also requires the following information to be published:

- The draft minutes from all formal meetings (i.e. full Council, Committee and Sub-Committee meetings) should be published not later than one month after the meeting has taken place.

- Meeting agendas and associated meeting papers should be published not later than three clear days before the meeting is taking place.

As far as this Council is concerned, the Clerk has been publishing appendices to agendas and minutes as well as the main documents, on the Chillaton website, since November last year. When printed agendas cover several pages, the Clerk has provided a one page summary of the items, for display in village notice boards. All of the documents required to be published in connection with the annual external audit are being considered at this meeting and, once approved, can be placed on the Chillaton website.

Agendas are published with seven days notice of the meeting, not three. However, the required notice is three clear days, which will often extend the number of days concerned and **the Clerk recommends** that the current practice of seven days notice be continued.

The Council has not allocated responsibilities to individual members and has no public land or buildings, so these requirements do not currently apply.

The Council does need to consider the requirement to publish all this information on a website, which is publicly accessible and free of charge to view. Clearly the Chillaton website is free and publicly accessible, but it is not a Council website. The Council rejected the offer of the developers of the Chillaton website to make it available as a Council website. It has since become a successful and valued village website, with over 16,500 separate visits to its home page since it became operational. Also, over 50% of properties in Chillaton receive regular email newsletters relating to matters concerning the village.

The Local Audit and Accountability Act 2014 does not require the Council to have its own website, but it may wish to consider this option, perhaps simply to hold information required to be made publicly available, together with links to the Chillaton website [and other village websites should they be created] for local news and other village-based material. **The Council is requested** to determine what action, if any, it wishes to take.

There is a need to review arrangements for considering planning applications. The current process began over a year ago and is as set out in item 9. below. Previously, there was no record of the views of local councillors on planning applications and their decisions were not reported to the Council. Whilst the Council has made improvements, it now falls short of the new requirements, in that:

1. Notice is not given of Planning Committee meetings.
2. There are no agenda.
3. The public are not invited to attend.
4. There are no published minutes, although the decisions are recorded in the Council minutes.

The Council can either decide to regularise the situation and publish agendas and minutes of its Planning Committees or it can alter the status of the Planning Committees, so that the requirements do not apply.

For example, it could set up advisory panels with the same memberships as the current Planning Committees, who could meet as informally as they do now and then advise the Clerk of the outcome of their consideration of a planning application. The Clerk would be authorised to forward that consideration as the views of the Council and report that action to the next Council meeting. If that approach was adopted, the Clerk suggests that a proforma be introduced, that states who attended an advisory panel, what its conclusions were and on what grounds they were reached.

In deciding how to proceed, the Council should bear in mind that Planning Committees/Advisory Panels only consider planning applications that fall outside the scope of term of reference 2(c) in item 9.

The Council is requested to determine how to respond to the effect of the 2014 Act on its current arrangements for considering planning applications. If the outcome is to establish advisory panels, then the reference to planning committees in item 9. should be changed accordingly.

9. Annual review of delegation arrangements

The Council has not previously delegated any of its functions, except for the determination of its views on planning applications, which are considered by Planning Committees made up of councillors from the areas covered by those committees.

In accordance with Standing order 5j (v), the Council must review its delegation arrangements at its AGM together with the terms of reference of any Committees it has established. There does not appear to be any need for further delegation and **the Council is therefore requested to consider:**

1. The continuation of the three Planning Committees covering Milton Abbot, Chillaton and Bradstone/Dunton. The membership of each Committee to be the Councillors for the villages concerned, except in the case of Bradstone/Dunton where the Planning Committee consists of the Councillors for each of those parishes and the Chair or Vice-Chair of the Parish Council.
2. All Planning Committees to have the following terms of reference:
 - a. To determine the views of the Parish Council on applications for planning permission for development within the Committee's area, having regard to local circumstances, existing policies and/or previous relevant decisions, and advise the Clerk accordingly, within an agreed timescale.
 - b. All Planning Committee decisions are to be reported to the next meeting of the Parish Council, so that they are placed on record.
 - c. If any planning application is so significant or contentious, or would be a departure from existing policies, or constitute development outside agreed settlement boundaries, or the public are likely to want to be present at its consideration, the Clerk must be informed and will then call an emergency meeting of the Parish Council, with whatever notice is appropriate, to determine the Council's views.
3. That no further powers or duties be delegated to committees or sub-committees, at the present time.

10. Representation on external bodies

The Council is represented on these external bodies:

Southern Area Link meeting: Councillors Asbridge and Brewer

MACKPlan Team: Councillors Asbridge [Chair], Hough and Pahlsson. Councillor Beighton was also a member prior to his election to the Council, which would make four councillors on the team, exceeding the maximum of three laid down in the team's constitution. Unless any councillor wants to resign from the team, **it is recommended** that the constitution of the MACKPlan team be revised to remove any maximum limit.

Other external bodies: The Clerk is not aware of any, but **seeks the advice of the Council.**

The Council is requested to determine which councillors should represent it on external bodies in 2015/16.

11. General power of competence

At an AGM in an election year, the Parish Council must consider whether to acquire a general power of competence.

Under the Localism Act 2011, parish councils can acquire the power to do anything that it is legal for an ordinary person to do. A relevant example would be to purchase and run a failing local business.

To take on those powers, a parish council must have at least two thirds on its members elected [even if unopposed] and a Clerk with a relevant qualification. The Parish Council does not qualify on election grounds and the Acting Clerk has a Diploma in Municipal Administration, but as that is a temporary appointment and there is no apparent need for these powers, **it is recommended** that no action be taken at the present time.

12. Annual Governance Statement

In accordance with Financial Regulation 1.5, before approving the Annual Governance Statement, the Council must review the effectiveness of its systems of internal financial control, which must be in accordance with proper practices.

The proper management and control of the Council's money relies on the effective scrutiny of its income and expenditure and on robust processes to avoid fraud or other irregularities when paying bills and receiving payments.

Management and control: In the last financial year, the Council instituted quarterly reviews of its finances, including the reconciliation of its income and expenditure with its bank accounts. Payments to the Council's creditors have to be authorised at a Council meeting, unless otherwise approved under the Council's urgency procedure, in which case such action is reported to the Council at its next meeting.

Financial processes: All expenditure is authorised under the procedure referred to above. All payments are made by cheque. Cheques have to be signed by two authorised signatories, currently Councillors Brewer and Westcott. The Clerk, who as Responsible Finance Officer [RFO] issues those cheques, has no authority to give instructions to the Council's bankers on any matter. There is therefore no opportunity for any single councillor, or the RFO to incur expenditure on the Council's behalf or otherwise divert the Council's financial assets.

Annual Governance Statement: With the approval of the Council's internal auditor, the Clerk has produced an Annual Governance Statement by setting down the reasons why it is possible to give a satisfactory response to the standard questions asked in the annual return to the Council's external auditors. This is set out in **Appendix A** and, if approved, will be placed on the Chillaton website, currently used to display information on behalf of the Council.

The Parish Council is requested to:

1. consider whether the arrangements for management and control and the associated financial processes are effective
2. determine which two councillors shall be authorised signatories for 2015/16
3. approve the Annual Governance Statement for submission to the Council's external auditors and for publication on-line.

13. Audit of 2014/15 Accounts – Annual Return to External Auditors

The Clerk has advertised on public notice boards in Chillaton and Milton Abbot that the Council's accounts for the year ended 31st March are available for inspection by members of the public. To date, no request has been made to inspect the accounts and the period for inspection ends on 13th May. The Clerk will report on any requests made subsequent to the dispatch of this agenda.

The accounts for the year ended 31st March are set out in **Appendix B**. This is an update of the quarterly report made at the last meeting of the Council and has been approved by the Council's internal auditor.

Appendix B Annexes 1 & 2 also contain relevant extracts from accounting statements to be submitted to the external auditors.

Subject to the approval of the Council's Annual Governance Statement, as set out in **Appendix A** and deal with in item 12. above and the statements in **Appendix B**, **it is recommended** that the annual return be approved for submission to the external auditors.

14. Annual review of banking arrangements

The amount of interest earned on the Council's deposits with Lloyds TSB is minimal and the service provided by the bank during the last year has not been satisfactory.

There is therefore no reason why the Council should not consider changing its banking arrangements. If it did so, the choice is likely to be between another of the larger banks or a smaller bank specialising in supporting community enterprises and local councils.

This is a matter that requires more research and **it is recommended** that the Council defer taking action until a more detailed review can be carried out.

15. Annual review of the Council's inventory

Unless there are some historical assets that the Clerk is not aware of, the Council's inventory is limited to:

Two vehicle activated signs in Chillaton	£4,820
One Samsung Galaxy Tablet	<u>£100</u>
Total	£4,920

These figures are net of VAT.

It is recommended that the annual inventory be noted.

16. Annual review of the Council's insurance cover

The two vehicle activated signs [VAS] were added to the Council's existing policy on the day they were installed, at no extra cost, as the cover was shortly due for renewal. As the excess on the policy is £100, there is no point in specifically insuring the Samsung tablet.

An invitation to renew the policy has been received from the current insurers, Community First, who obtain cover from Zurich Municipal. The cost would be £190.13, including Insurance Premium Tax and admin fee. Last year's cover with the same Company was £144.59. The increase in premium is largely due to the cost of insuring the VAS [£36.15].

The main items of cover proposed are:

	<u>£</u>	
Material Damage	0	
Loss of data	500	
Clerk's office contents	2,500	
VAS	4,820	
Public Liability	6,000,000	
Hirer's liability	2,000,000	
Employer's liability	10,000,000	
Libel and slander	250,000	
Employee dishonesty	25,000	
Personal accident	2,000,000	[Maximum of £500,000 for any one person]
Legal expenses	100,000	
Street furniture impact damage	0	

There is no cover for material damage, but the Council does not appear to have any assets to damage, except for the VAS and the Samsung tablet, which are referred to elsewhere.

The VAS are insured for 'All Risks'. Whether they are classed as 'Street Furniture' and need additional cover is not known at the time of preparing this agenda and the Clerk will report further.

Subject to the ensuring that the cover for the VAS is comprehensive and adequate, **it is recommended** that the policy be renewed with Community First and authority given for the payment of the premium.

17. Annual review of subscriptions to other bodies

We only subscribe to one external body; the Devon Association of Local Councils. The annual subscription of £162.71 became due recently and its renewal was approved by the Clerk in conjunction with the Chair and Vice-Chair under the Council's urgency procedure.

18. Annual review of Complaints Procedure

Standing Order 13 covers complaints against a Councillor regarding an alleged breach of the Code of Conduct.

However, that does not cover complaints made about Council staff or complaints by Council staff. **It is therefore recommended** that the Clerk should produce a revised procedure for consideration by the Council as soon as possible.

19. Annual review of procedures for dealing with requests under the Freedom of Information Act 2000 and the Data Protection Act 1998

Standing Order 19 states that requests for information under this legislation shall be handled in accordance with the Council's policy. On the face of it, our policy would be to comply with the requirements of the legislation concerned, but **it is recommended** that the Clerk should review the need for specific guidance/policy on the issues raised by this legislation.

20. Annual review of policy for dealing with the press/media

Standing Order 20 states that requests from the press or other media should be handled in accordance with our policy on this issue. There is merit in having guidance available for the Clerk and Councillors on who should be able to speak to the press on behalf of the Council and **it is recommended** that the Clerk should produce draft guidance/policy for consideration by the Council.

21. Annual report of internal auditor

The Council's internal auditor reports that he is satisfied with the arrangements for financial management and control and with the financial processes used and has no matter that he wishes to draw to the attention of the Council.

22. Appointment of Internal Auditor

To appoint an internal auditor for 2015/16. Mr Jamie Rutherford has acted as the Council's internal auditor for the last two financial years and has kindly agreed to do so for 2015/16 and **it is recommended** that the Council accepts his offer.

23. Review of Standing Orders and Financial Regulations

In accordance with Standing Order 5j(ix), at the AGM the Council should review and adopt appropriate standing orders and financial regulations. Both of these were completely revised in 2014 and no advice has been received from DALC on the need for any subsequent revision.

In November 2014 it was agreed that the following be included in the Council's Standing orders:

At the beginning of each year, the Council may decide that executive powers be delegated to the Clerk of the Parish Council where urgent action is required between scheduled meetings, and where it is not possible or convenient to call a special or extraordinary meeting.

The Clerk may, following consultation with the Chair and Vice-Chair of the Parish Council deal with urgent business. Any action involving expenditure will not be in conflict with agreed Parish Council policy. All actions taken under executive powers must be reported to the next meeting of the Parish Council.

It is suggested that the Council adopts the current version of its Standing Orders and Financial Regulations for 2015/16 and confirms the delegation of executive powers for urgent action to the Clerk for a further year, as set out above.

24. Risk Assessment – Annual Review

To consider the report of the Clerk attached at **Appendix C**. The Council is required to carry out an annual review of the likelihood of harm, damage or loss occurring because of its activities.

In the first such assessment, the Clerk has highlighted issues where further action is needed in order to reduce risks where possible. Action by the Council is needed in some cases and **it is recommended** that the Clerk be authorised to:

1. Amend Standing Orders to include a procedure that accords with advice from WDBC on the filling of casual vacancies.
2. Introduce and monitor an annual review by Councillors of their registers of interest.

3. Amend Standing Orders to create a Standing Committee empowered to appoint a suitable Councillor to act as Parish Clerk on an interim basis should that become necessary.
4. Make enquiries of all the operators of premises used by the Parish Council, to ensure that they comply with relevant health and safety legislation.
5. Carry out a review of the Council's record keeping and produce proposals for the safe and efficient use of computer systems for internal communication and archives.

25. Annual review of time and place[s] of meetings

By law, all Council meetings must start at 6pm unless otherwise agreed. The Council has previously decided that meetings should start at 7.30pm and **it is recommended** that this practice should continue for 2015/16, with meetings being held in Milton Abbot village hall [reading room] and Marystowe Church Hall.

26. Acceptance of office by the Acting Parish Clerk

Councillor Asbridge is the Acting Clerk and a parish councillor. A parish councillor's acceptance of office has to be signed in the presence of the Clerk, which leaves Councillor Asbridge in a somewhat contorted position.

Advice has been sought from the Monitoring Officer as to how to proceed, but is currently awaited. This item is on the agenda in case there is any action that the Council has to take to resolve this issue.

27. Delivery of Acceptance of Office declarations

Standing Order 5j(i) states that the delivery of these declarations shall form part of the business of the AGM, unless the Council resolves that it should be done at a later date. As there is no further business to be considered **it is suggested that all Councillors present deliver their declarations to the Clerk at this point.** At the conclusion of this process, the meeting will be declared closed.

MEMBERS OF THE PUBLIC AND THE PRESS ARE WELCOME TO ATTEND